
SOUTH WESTERN REGION METROPOLITAN PLANNING ORGANIZATION

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February 14, 2013

TESTIMONY FROM JAYME J. STEVENSON, FIRST SELECTMAN OF DARIEN, CT AND MEMBER OF THE SOUTHWESTERN REGIONAL PLANNING AGENCY METROPOLITAN PLANNING ORGANIZATION

RE: 8-30g – The Affordable Housing Land Use Appeals Process

House Bill #5428 – An Act Concerning the Definition of Set-Aside Developments

House Bill # 5430 – An Act Concerning the Affordability Term for Affordable Housing Units

**House Bill # 5501 – An Act Concerning Penalties for the Illegal Sale or Rental of Affordable
Housing Units**

**House Bill # 5625 – An Act Exempting Certain Municipalities from the Affordable Housing
Land Use Appeals Act**

To: Senator Bartolomeo, Representative Butler and members of the Housing Committee.

I'm Jayme Stevenson, First Selectman from the Town of Darien and am pleased to be representing the eight municipalities that make up the South Western Regional Planning Agency and the associated Metropolitan Planning Organization. On behalf of my fellow Chief Elected Officials from the cities and towns of Darien, Weston, Westport, Wilton, Norwalk, New Canaan, Stamford and Greenwich, we appreciate the opportunity to provide testimony in support of House Bills #5428, #5430, #5501 and #5625 which recommend modification to the affordable housing land use appeals process, commonly referred to as 8-30g.

The member towns of SWRPA share the common goal of increasing our respective towns' stock of affordable housing and we further understand this goal is a priority for the current administration. The intent of 8-30g is noble but the reality of its application has not produced meaningful result. According to the most current DECD Affordable Housing Land Use Appeals List (2011), only 29 of 169 municipalities have met the 8-30g 10% mandated threshold and many of those cities are exempt simply as a result of high population density and economic factors that long predate the 1990 8-30g legislation.

8-30g has become an effective tool used by certain developers to profit without creating a single unit of affordable housing. Municipalities are forced to expend increasingly scarce financial resources on lawyers rather than affordable housing development plans. I'm sure the members of this committee will agree that attention should be given to this unintended consequence of 8-30g.

Collectively, the four bills we are here to support serve to further SWRPA's goals of strengthening affordable housing law, expanding the population eligible to reside in 8-30g housing and to

reward municipalities that are proactive in developing affordable housing plans that incorporate strategies that have been promoted by Connecticut in recent years.

Our principals for simplifying and incentivizing 8-30g are outlined in the following pieces of legislation:

1. **House Bill #5428** would change the definition of “set aside development” to require that all affordable units be set aside for those whose income is less than or equal to 60% of state median income. Currently, only 15% of set-aside units are dedicated to those with incomes at this lower threshold.
2. **House Bill #5430** would require that housing units in a set-aside development remain affordable in perpetuity rather than allowing the deed restriction to sunset after 40 years.
3. **House Bill #5501** establishes penalties for the rental, sublet or sale of deed-restricted affordable units at prices that do not comply with the applicable affordability rate for these housing units, again, insuring that affordable units remain available to those with need.
4. **House Bill #5625** creates an exemption incentive for municipalities that, through their approved affordable housing plan, can demonstrate a commitment to increasing affordable housing through the establishment of Incentive Housing Zones, Floating Zones for multi-family housing, Inclusionary Zoning Regulations and Affordable Housing Trust Funds. All these zoning tools are positive evidence that a municipality is making a meaningful attempt to increase their stock of affordable housing within the context of their local zoning regulations.

Legislative history proves that since its adoption in 1990, modifications to 8-30g have been sought to address the challenges and consequences of this mandate. Again this session, 30 separate pieces of legislation are before you to consider.

The modifications we at SWRPA seek strengthen affordable housing law while providing a strong incentive to municipalities who are committed, through local zoning regulation, to increasing their stock of affordable housing. These suggested improvements to 8-30g create no cost to Connecticut taxpayers and will help municipalities avoid costly litigation.

Respectfully submitted,

Jayne J. Stevenson
First Selectman, Town of Darien
Member SWRPA MPO